



*Office of the United States Attorney
District of Arizona*

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BORDER PATROL AGENT INDICTED ON DRUG CHARGES

Public corruption prosecution remains top priority of U.S. Attorney

TUCSON, Ariz.- A federal grand jury here returned a two-count indictment against Michael Carlos Gonzalez, 33, of Vail, Ariz. for Possession with Intent to Distribute Marijuana and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, following investigations by the Arizona Department of Public Safety (DPS) and Department of Homeland Security, Office of the Inspector General.

The January 18, 2006 indictment alleges that Gonzalez, a Border Patrol Agent at the time of the December 6, 2005 incident, possessed approximately 10.5 kilograms of marijuana at the time of the offense. Gonzalez was released on a personal appearance bond during his detention hearing on December 29, 2005 in front of U.S. Magistrate Judge Jennifer C. Guerin. His arraignment is set for Thursday, January 26, 2006 at 11:00 a.m. in front of Judge Charles R. Pyle.

U.S. Attorney Paul K. Charlton stated that "Public corruption by law enforcement officials undermines people's faith and trust in the very agencies designed to protect them. Law enforcement personnel must be held to a higher standard in all aspects of their lives."

DPS Director Roger Vanderpool stated, "this kind of action tarnishes all of our badges and is not representative of the many fine officers that preserve the integrity of law enforcement and keep our citizens safe."

According to the criminal complaint filed on December 28, 2005, a DPS Canine Officer stopped a pickup truck on Highway 83 near Sonoita. When the truck came to a stop, the driver and passenger fled into the desert, abandoning the vehicle and its contents. Concealed within the bed of the truck were numerous bundles of marijuana. When the DPS officer departed the area to pursue the suspects, Michael Carlos Gonzalez arrived at the scene driving a marked Border Patrol vehicle and was in full Border Patrol uniform including his service weapon.

The complaint also indicates that a film obtained from the video camera in the DPS Officer's patrol unit revealed that Gonzalez backed his Border Patrol vehicle up to the front of the truck, walked to the tailgate and removed a bundle of marijuana. Gonzalez then moved the other bales to fill in the space left by the missing bundle. Gonzalez then placed the bundle first in the back seat and then in the trunk of his marked vehicle and subsequently left the scene with the bale of marijuana.

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After the DPS Officer had the truck towed to DPS, a thorough search revealed that the pickup contained 29 bales of marijuana each weighing approximately 10.5 kilograms. The Officer did not realize that a bundle had been removed from the pickup until a subsequent review of the tape. DPS then contacted Department of Homeland Security, Office of the Inspector General.

A conviction for Possession with Intent to Distribute Less than 50 Kilograms of Marijuana carries a maximum penalty of five years in prison, a \$250,000 fine or both. A conviction for Possession of a Firearm in Furtherance of a Drug Trafficking Crime carries a consecutive mandatory minimum term of five years in prison up to a maximum term of life in prison, a \$250,000 fine or both. In determining an actual sentence, the assigned judge will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt. The prosecution is being handled by Bradley Giles, Assistant U.S. Attorney, District of Arizona, Tucson, Ariz.

CASE NUMBER: CR-06-0152-TUC
RELEASE NUMBER: 2006-019(Gonzalez)

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